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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 HERBERT A. CHIEF RICE, Jr.,

8 Petitioner,

9 v.

10 STEPHEN D. SINCLAIR,

11 Respondent.

NO. 2:13-CV-3063-TOR

ORDER ADOPTING REPORT AND
RECOMMENDATION GRANTING
STIPULATED MOTION TO DISMISS
WITHOUT PREJUDICE

12
13 BEFORE THE COURT is the parties' Joint Motion to Dismiss Without
14 Prejudice (ECF No. 35). The parties have stipulated that Petitioner Herbert Rice's
15 petition should be dismissed without prejudice. The parties explain that the
16 Washington Legislature has established a "new procedure for re-sentencing
17 prisoners serving life without parole sentences for an offense committed while
18 under the age of 18" and that Petitioner is being resentenced pursuant to this
19 avenue for relief. ECF No. 35 at 2.
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ORDER ADOPTING REPORT AND RECOMMENDATION GRANTING
STIPULATED MOTION TO DISMISS WITHOUT PREJUDICE ~ 1

1 The matter was submitted to the Honorable Magistrate Judge John T.
2 Rodgers, who issued a Report and Recommendation (ECF No. 36) on July 10,
3 2019. Honorable Judge Rodgers recommended granting the Parties Motion to
4 Dismiss (ECF No. 35) and gave the parties fourteen days to submit any objections.
5 ECF No. 36 at 2. No objection has been filed by either party.

6 For the reasons stated in the Report and Recommendation, the Court **adopts**
7 the Report and Recommendation (ECF No. 36) and **grants** the Parties' Stipulated
8 Motion to Dismiss (ECF No. 35).

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

10 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the parties' Stipulated Motion to
11 Dismiss (ECF No. 35) is **GRANTED**. Herbert Rice's Petition is **DISMISSED**
12 **WITHOUT PREJUDICE** and without an award of costs or attorney's fees to
13 either party.

14 The District Court Executive is hereby directed to enter this Order, enter
15 judgment, furnish copies to counsel, and **CLOSE** the file.

16 **DATED** July 25, 2019.



Thomas O. Rice
THOMAS O. RICE
Chief United States District Judge